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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/530,469	04/06/2005	Christian Schmaranzer	SCHMARANZER ET AL - 1 PCT	4891
25889	7590	06/15/2006	EXAMINER ABOAGYE, MICHAEL	
WILLIAM COLLARD COLLARD & ROE, P.C. 1077 NORTHERN BOULEVARD ROSLYN, NY 11576			ART UNIT 1725	

DATE MAILED: 06/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/530,469	<b>Applicant(s)</b> SCHMARANZER ET AL.	
	<b>Examiner</b> Michael Aboagye	<b>Art Unit</b> 1725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>04/06/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 and 6 recite the limitation “welding – soldering”, in the middle of line 3. It is unclear what type of joining process is being claimed. It is suggested that since metal filler is being used in forming the butt joint, reference to the process as welding is appropriate.

Claim 6 recites the limitation “cold-formed sheet blanks made of aluminum material on the one hand and or iron or titanium material on the other hand”, at the end of line 2 through line 3. The language is confusing, and unclear as to what material/s the cold formed sheets are made. Hence the metes bounds of the claims are indefinite. Clarification and /or correction required.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims 1, 2 4, and 6 insofar as definite (in view of the rejections under 35 U.S.C. 112, second paragraph) are rejected under 35 U.S.C. 102(b) as being anticipated by Bertels (US Patent No. 3,202,793).

Bertels discloses a method for joining two sheets of aluminum material on the one hand and ferrous metal or (steel) material on the other hand by a welding-soldering joint by using a filler, ferrous metal or (steel) material being provided at least in the joining region with a coating preferably on the basis of zinc or aluminum before the filler is applied by forming a weld seam under melting, wherein the two sheets are joined in form of a butt-joint, with the filler on the basis of aluminum being applied for the formation of the weld seam on both sides of the sheet in a region bridging the joint onto the sheet made of the iron or titanium material in a width corresponding to at least three times the thickness of said sheet; wherein the sheet made of iron material is provided with a chamfer (see figures 5a and 5b) on at least one side of the sheet prior to the application of the coating in the region of the joint; (see: abstract, column 1, line 11 – column 3, line 27).

Regarding claim 4, Bertels teaches wherein the two sheets are joined with a surface lying on one side in a common plane and, after the application of the weld seam in the region of the joint, are bent off by the respective thickness of the projecting portion of the seam over the common surface away from the same (see, figures 1 and 8).

Regarding claim 6, Bertels teaches forming of a butt-joint by using a filler on the basis of aluminum which is applied for forming the weld seam on both sides of the sheet blank made of iron, steel material under melting on a coating of the iron material in a

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width corresponding to at least three times the thickness of said sheet blank wherein the blank sheets are produced by conventional rolling, said rolling process inherently produces cold formed blanks (see, column 1, lines 60- 71).

5. Claim 1 is insofar as definite (in view of the rejections under 35 U.S.C. 112, second paragraph) are rejected under 35 U.S.C. 102(b) as being anticipated by Masahiro et al. (JP No. 2000015448, Computer translated version).

Masahiro et al. discloses method for joining two sheets of aluminum material on the one hand and titanium material on the other hand by a welding-soldering joint by using a filler, with the titanium material being provided at least in the joining region with a coating preferably on the basis of aluminum before the filler is applied by forming a weld seam under melting, wherein the two sheets are joined in form of a butt-joint, with the filler on the basis of aluminum being applied for the formation of the weld seam on both sides of the sheet in a region bridging the joint onto the sheet made of the iron or titanium material in a width corresponding to at least three times the thickness of said sheet.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 3 and 7 are insofar as definite (in view of the rejections under 35 U.S.C. 112, second paragraph) are rejected under 35 U.S.C. 103(a) as being unpatentable over either Bertels (US Patent No. 3,202,793) or Masahiro et al. (JP No. 2000015448, Computer translated version) in view of Persson (US Patent No. 2,719,900).

Bertels and Masahiro et al. teach the limitations as set forth in claim 1 as above, but does not expressly teach, the step wherein the weld seam between the two sheets as formed by the filler is flattened by plastic deformation after the application of the filler.

However Persson, teaches an a welding process, forming a weld bead or seam, wherein the weld bead or seam is deformed plastically or flattened by the application of a roller thereby consolidating the weldment (see, Persson, column 2, lines 45-55).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to have modified either of the methods of Bertels or Masahiro et al. with the application of a roller to plastically deform the weld seam as

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taught by Persson in order to consolidate the weld seam which by so doing will enhance the strengthen the bond (see, Persson, column 2, lines 45-55).

9. Claim 5 insofar as definite (in view of the rejections under 35 U.S.C. 112, second paragraph) are rejected under 35 U.S.C. 103(a) as being unpatentable over either Bertels (US Patent No. 3,202,793) or Masahiro et al. (JP No. 2000015448, Computer translated version) in view of Kunz et al. US Patent No. 6,478,886).

Bertels and Masahiro et al. teach the limitations as set forth in claim 1 as above, but does not expressly teach, wherein the weld seam between the two sheets as formed by the filler can be covered by a corrosion protection layer on at least one side of the sheets in the transitional region to the coated iron material, especially a coat of lacquer.

However Kunz et al. teaches a sealing for metallic members including steel or ferrous materials, said sealing step comprising applying zinc or zinc alloy coating followed by a lacquer, wherein said sealing provides excellent protection against corrosion (see Kunz et al. column 3, lines 18-26).

It would have been obvious to one of ordinary skill in the art at the time the applicants' invention was made to have modified either of the methods of Bertels or Masahiro et al. by covering the weld seam formed by the filler on at least one side of the sheets the transitional region of iron material with a corrosion protection layer made a coat of lacquer in order to complement the corrosion protection afforded by the zinc layer (see Kunz et al. column 3, lines 18-26).

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**Conclusion**

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Utsunomiya et al. (US 4,886,108), Nemoto et al. (US 4,508,601), Siedal (US 6,710,296) and Kawamura et al. (US 4,816,348) are also cited in PTO-892.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Aboagye whose telephone number is 571-272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AM

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06/12/2006